

APPLICATION NO.: PCT/US99/24922

CASE NO.: BB1208 PCT

PRELIMINARY AMENDMENT

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Please amend the application as follows:

In the specification

At page 8, line 21, please replace "effecting" with "affecting".

In the Claims:

Please cancel claims 1-20.

Please add the following new claims:

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- 21. An isolated polynucleotide that encodes a sodium channel agonist polypeptide having a sequence identity of at least 95% based on the Clustal method of alignment when compared to a polypeptide selected from the group consisting of SEQ ID NOS: 2, 4, 6, 9, 12, 14 and 16.
22. The polynucleotide of Claim 13 wherein the polynucleotide encodes a polypeptide selected from the group consisting of SEQ ID NOS: 2, 4, 6, 9, 12, 14 and 16.
23. An isolated complement of the polynucleotide of Claim 21, wherein (a) the complement and the polynucleotide consist of the same number of nucleotides, and (b) the nucleotide sequences of the complement and the polynucleotide have 100% complementarity.
24. An isolated nucleic acid molecule that remains hybridized with the isolated polynucleotide of Claim 21 under a wash condition of 0.1X SSC, 0.1% SDS, and 65°C.
25. A cell or a virus comprising the polynucleotide of Claim 21.
26. The cell of Claim 25, wherein the cell is selected from the group consisting of a yeast cell, a bacterial cell, an insect cell, and a plant cell.

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27. A transgenic plant comprising the polynucleotide of Claim 21.
 28. A method for transforming a cell comprising introducing into a cell the polynucleotide of Claim 21.
 29. A method for producing a transgenic plant comprising (a) transforming a plant cell with the polynucleotide of Claim 21, and (b) regenerating a plant from the transformed plant cell.
 30. An isolated sodium channel agonist polypeptide having a sequence identity of at least 95% based on the Clustal method compared to an amino acid sequence selected from the group consisting of SEQ ID NOS:2, 4, 6, 9, 12, 14 and 16.
 31. The polypeptide of Claim 30 wherein the polypeptide has a sequence selected from the group consisting of SEQ ID NOS: 2, 4, 6, 9, 12, 14 and 16.
 32. A chimeric gene comprising the polynucleotide of Claim 13 operably linked to at least one suitable regulatory sequence.
 33. The chimeric gene of Claim 32, wherein the chimeric gene is an expression vector.
 34. The chimeric gene of Claim 33, wherein the chimeric gene is an expression vector is a recombinant baculovirus expression vector.
 35. An insecticide composition comprising the polypeptide of Claim 27.
 36. An insecticide composition comprising the chimeric gene of Claim 33.
 37. An insecticide composition of Claim 36, wherein the Chimeric gene is a recombinant baculovirus expression vector.
 38. A method for imparting insect resistance to a transgenic plant, comprising:
 - (a) obtaining a transgenic plant of Claim 27, and
 - (b) screening the transgenic plant for improved insect resistance.

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39. A method for altering the level of a sodium channel agonist polypeptide expression in a host cell, the method comprising:

- (a) Transforming a host cell with the chimeric gene of claim 32; and
- (b) Growing the transformed cell in step (a) under condistions suitable for the expression of the chimeric gene. --

Remarks

Applicants respectfully submit that the amendment to the Specification only clarifies the meaning of the term "isolated" and does not add any new matter. Furthermore, applicants submit that newly added claims more clearly and distinct recite that which applicants consider to be their invention, and are adequately supported by the original disclosure. For example, the Clustal method of alignment is described at page 5, line 22 et seq.

No new matter is believed to be at issue. Entry of the amendments and early favorable consideration of the claims on the merits are hereby respectfully requested.

Respectfully submitted,

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Dated: _____